

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CIVIL ACTION NO. 3:07-CV-241-FDW-DCK**

<b>NORMAN J. O'DONNELL,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b><u>ORDER</u></b>
	)	
<b>ANIMALS MATTER, INC.,</b>	)	
	)	
<b>Defendant / Counter Plaintiff,</b>	)	
	)	
<b>v.</b>	)	
	)	
<b>O'DONNELL INDUSTRIES, INC., BRIAN</b>	)	
<b>J. O'DONNELL, and O'DONNELL</b>	)	
<b>INDUSTRIES, INC. d/b/a SNOOZER PET</b>	)	
<b>PRODUCTS,</b>	)	
	)	
<b>Counter Defendants.</b>	)	
	)	

**THIS MATTER IS BEFORE THE COURT** on the parties “Consent Motion For Temporary Stay” (Document No. 26) and “Certification And Report Of Initial Attorneys’ Conference” (Document No. 27) filed December 5, 2007. This matter has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. §636(b) and is now ripe for review.

Having carefully considered the motion, the record, and the applicable authority, the undersigned will deny the motion for stay. This matter is governed by the “Standing Order Governing Civil Case Management Before The Honorable Frank D. Whitney” (3:07-MC-47 (Document No. 2)). The undersigned respectfully notes that the “Certification And Report Of Initial Attorneys’ Conference” (Document No. 27) does not comply with Judge Whitney’s standing order.

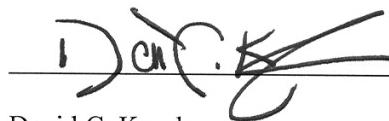
**IT IS, THEREFORE, ORDERED** that the parties “Certification And Report Of Initial Attorneys’ Conference” (Document No. 27) be **STRICKEN**.

**IT IS FURTHER ORDERED** that the parties shall file a new certification of initial attorney’s conference and joint proposed discovery plan, on or before **January 11, 2008**.

**IT IS FURTHER ORDERED** that the parties’ “Consent Motion For Temporary Stay” (Document No. 26) is **DENIED**. The parties are encouraged to use the extension of time allowed to file a new certification of initial attorney’s conference and discovery plan, to continue their settlement discussions.

**SO ORDERED.**

Signed: December 6, 2007

  
\_\_\_\_\_  
David C. Keesler  
United States Magistrate Judge  
